

A SHORT
ACCOUNT

Of the late

Application to PARLIAMENT

MADE BY THE

Merchants of *London*

Upon the NEGLECT of their

TRADE:

WITH

The SUBSTANCE of the EVIDENCE

THEREUPON;

As sum'd up by Mr. GLOVER.



L O N D O N:

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A S H O R T
A C C O U N T

O F T H E L A T E

Application to PARLIAMENT

Made by the

MERCHANTS of LONDON, &c.

THE merchants of London, finding the neglect of their trade, during the present war with Spain, and the losses sustained from the enemy to increase every day, had a general meeting upon the occasion; where a Committee was appointed to consider of a proper method to lay their complaints before the Parliament. A petition was accordingly prepared by this Committee, and, being unanimously approved of at a second general meeting, was presented to the House of Commons on Wednesday the

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20th

20th of January, by the Right Honourable Sir
ROBERT GODSCHAL, the Lord Mayor;
A copy of which is as follows.

To the Honourable the Commons of *Great
Britain* in Parliament assembled:

*The HUMBLE PETITION of the Sub-
scribing Merchants and Traders of the City
of London, in Behalf of themselves, and the
Trade of these Kingdoms:*

SHEWETH,

THAT your Petitioners with the utmost
Concern have found themselves under
the Necessity of representing to this Ho-
nourable House, That the Navigation and
Commerce of these Kingdoms have been con-
tinually exposed to the growing Insolence of
the *Spanish* Privateers, from the Commence-
ment of this just and necessary War; that
during its whole Progress and Continuance,
notwithstanding the repeated Applications of
the suffering Merchants for Protection and
Redress, their Losses and Misfortunes have
considerably encreased of late, to the Impo-
verishing of many of his Majesty's Subjects,
the great Detriment of Trade in general, the
Diminution of his Majesty's Revenue, and the
Dishonour of the Nation.

That upwards of 300 Ships and Vessels have
been already taken, the greatest Part of them
in, or near the *British* Channel and Soundings,
and

and carried into *St. Sebastian*, and other adjacent Ports; by which Numbers of his Majesty's most useful Subjects have been reduced to Want and Imprisonment, or compelled by inhuman Treatment, and despairing of a Cartel for the Exchange of Prisoners, have insisted in the Service of *Spain*.

That your Petitioners humbly apprehend, that most of these Misfortunes might have been prevented, considering the Weakness of our Enemy at Sea, had a few of his Majesty's Ships of War been properly stationed, and the Commanders kept strictly to their Duty; a Neglect, which appears the more surprising, as there was a Precedent of an Act of Parliament in 1707, expressly made for those Purposes, intituled *An Act for the better securing the Trade of this Kingdom by Cruizers and Convoys*.

That by means of this Neglect, and the many valuable Prizes, the *Spaniards* have made, they have been encouraged and enabled to fit out such Numbers of Privateers from *St. Sebastian* and *Bilbao*, exclusive of other Ports, as to render the Navigation to and from these Kingdoms, every day more and more dangerous; and that the present great and unexpected Power of the Enemy in the *Mediterranean* gives your Petitioners reason to apprehend, that their Trade is become extremely precarious in those Parts.

That there have been various Neglects and Delays in the Appointment, and sending out
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of Convoys, and that out of those few, which have been granted, some of the Commanders have paid so little regard to the Ships under their Care, that they have deserted them at Sea, and left them as a Prey to the Enemy.

That your Petitioners humbly beg Leave further to represent, that the Navigation to and from several of his Majesty's Colonies has often been much exposed to the Enemy, and that many Ships have been taken in the *American* Seas by their Privateers; principally owing, as your Petitioners humbly presume, to a want of a sufficient Number of Ships, or of proper Care in some of his Majesty's Commanders stationed in those Parts.

That many Ships have been brought into danger by the arbitrary impressing of their ablest Hands out of the homeward bound Ships, before they had made the Land, or arrived to a place of safety, and out of the outward bound Ships in the Prosecution of their Voyages.

That your Petitioners humbly beg leave to assure this Honourable House, that they do not complain of such Captures, as are the unavoidable Consequence of a War, but of such only, as have been occasioned by a want of due care for the protection of Trade, which has during the whole War laboured under an apparent Neglect and Disregard; nor shall they ever be induced, either by their past Misfortunes, or future Apprehensions, so far to forget their Duty to his Majesty, and the Legislature,

gislature, as once to repine or murmur at the present War with *Spain*, which his Majesty, and these Kingdoms, are so necessarily engaged in, and upon the vigorous Prosecution of which the Interest of the *British* Trade, and the Freedom of Navigation so evidently depend.

Your Petitioners therefore most humbly pray, that this Honourable House will be pleased to take the Premisses into their Consideration, that such Provision may be made for the future Protection of the Trade and Navigation of these Kingdoms, as this Honourable House, in its great Wisdom, shall think fit, and that your Petitioners may be heard by themselves, or Council thereupon.

And your Petitioners, as in Duty bound, shall ever pray, &c.

The merchants being appointed to be heard before a committee of the whole House, on the 27th of January, the subject matter of the petition was then open'd after the following manner by Mr. GLOVER, one of the petitioning merchants.

I Appear, Sir, in the behalf, and by the appointment of the merchants of London, and am one of their body; who have presented to this honourable house an humble petition, complaining of many and heavy losses sustained

sustain'd by the trade of these kingdoms from the privateers of Spain, occasion'd by various neglects and misconduct, as set forth in the several allegations of the petition, in support of which their evidence is now ready for an examination before this committee.

But first, Sir, I am commission'd by the merchants to give you an humble and sincere assurance, that they do not this day appear at your bar, moved by a spirit of general discontent, or prompted by the intemperate zeal of faction; it was not, Sir, a willingness to complain, a propensity to censure and cavil, which have been the motives to your petitioners for this their solemn appeal to parliament for relief; nor have they been deluded by a rash inconsiderate levity to prefer indiscriminate and frivolous complaints of their losses, without allowing for that degree of insecurity, which must be the fate of trade, during a state of hostility between nation and nation. Two years and upwards have they already with patience acquiesced under a neglect, and indifference to their sufferings, frequently the only effects of their just applications to those, from whom they had reason to hope for countenance and redress.

The true foundation of your petitioners complaint, from whence I now begin, to which all our evidence will tend, and where I shall recur to conclude at last, rests upon one single point: The merchants apprehend, that they have been excluded from that share of protection, to
which

which they are entitled as members of the community; that they have been deprived of that care, which is due from the public and its officers to every individual, more especially in times of war and danger, for the security of their property, and the defence of their persons: this is the ground of your petitioners complaint; and it is this, which hath brought to your bar the united representations from the merchants of London, Bristol, Liverpool, Glasgow, and other the principal places of trade in Great Britain; a body always considerable, ever accustomed to the favour and condescending regard of this great assembly, but at this time, a peculiar object of your indulgence and attention, as they appear before you distinguish'd by uncommon hardships, loaded with grievances, and suppliants for your protection.

Sir, I shall now proceed to explain the nature and order of the evidence, which we shall produce in support of the several facts alledg'd in the petition.

The particulars contain'd in the preamble are founded on the proof of the subsequent facts alledg'd; and as the various applications of the suffering merchants for protection and redress are interwoven with every other part of the petition, I shall not call any evidence to that head separately, that I may avoid, as much as possible, giving the committee the trouble of examining any person more than once.

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That

That part of the petition, which sets forth the number of ships and vessels taken by the enemy, principally in or near the British channel and soundings, and carried into the most neighbouring ports of Spain, we shall make good by the evidence of masters of ships and passengers so taken, by letters from prisoners, and lastly, by the officers of assurance in this city, who themselves have collected the several captures made by the Spaniards during this war. We shall make use of the same masters of ships, passengers, and prisoners letters to prove the encouragement, the enemy has received from our remissness, the number of privateers belonging to St. Sebastian and Bilbao, the inhuman treatment of our captives in Spain, and what numbers have come to the knowledge of our witnesses of English, who have enlisted in the Spanish service by sea and land, compelled by ill usage, and despairing of a cartel for the exchange of prisoners. The same evidence will serve to shew, that the Spaniards themselves have been constantly desirous of a cartel, that the intendant of the marine at St. Sebastian was always vested with a power to discharge our prisoners, and by other particular evidence we will set forth, what steps have been taken by private persons here naturally tending to a general exchange of Prisoners, what has been their success, and what encouragement has been given to these their useful endeavours.

Upon

Upon that part of the petition, which relates to the proper stationing of cruisers, I shall beg leave to refer the honourable members of the committee to the consideration of a map deliver'd at your door. I shall then humbly desire, that some clauses may be read of an act of parliament pass'd in 1707, entitled *An act for the better securing the trade of these kingdoms by cruizers and convoys*; and we shall conclude on this head with a few observations on a list of cruisers, and other papers laid by the proper officers before this honourable house.

The delays and neglects in the appointing, and sending out convoys, and of the commanders employ'd in that service will be made good by several considerable merchants in this city.

We shall likewise produce the most eminent traders to Virginia and Carolina to support that part of our petition, which mentions the neglect of trade in those parts.

And by the evidence of other merchants, masters of ships, authentic letters, declarations and protests we shall produce such instances of arbitrary impressing, as shall appear to be the most unprecedented deviations from the methods practis'd in all times, accompanied with the most open defiance, and uncommon violation of the law.

As to that part of the petition, which expresses the merchants sense of the present war,

I beg leave to reserve myself, till I come to conclude.

Several witnesses were then called, and various letters and papers read in support of the allegations in the petition. After an hearing of six days at different times the whole evidence was sum'd up by the same Gentleman, who had open'd, in the following manner :

S I R,

THE examination of the evidence is now completed, which hath been produced in support of the petition presented to this Honourable House by the merchants of London, followed by the principal places of trade in Great Britain, and patronized by the Lord Mayor, Aldermen, and Commons of this great metropolis.

Sir, We have been treated with an indulgence, and heard with an attention equal to the importance of our cause ; and nothing now remains but to entreat your further favour, while the evidence is collected together, the observations made, which the subject shall naturally suggest, and our first proposition evinced, That the merchants of Great Britain have been excluded from that share of protection, to which they are entitled as members of the community, and deprived of that care, which is due from the publick and its officers to every individual,

individual, more especially in times of war and danger, for the security of their property, and the defence of their persons; to which by the express command of the merchants I am required to subjoin, that they cannot apprehend the ill treatment of them, and the British trade to have been the effect of mere inattention or accident, but of one uniform and continued design.

As many gentlemen within the bar have made observations throughout the whole course of our evidence, I shall have the less occasion to be minute and circumstantial. Upon that head of the petition, which relates to the number of captures, it will be sufficient to remind you, that one allegation, which sets forth the greater part of three hundred ships to have been carried into the most adjacent ports of Spain, was made good by Capt. Robert White; who declared, that one hundred and seventy three vessels had been brought into St. Sebastian and Port Passage during the eighteen months of his captivity in Spain. Capt. Best was the twenty fourth prize taken by the Biscaya privateer, Capt. Douglas was the fiftieth brought to St. Sebastian at the time, he was carried in. We were particularly obliged to the gentlemen of the Royal Exchange Assurance, who ordered their secretary to attend several days, and who proved four and forty captures: I wish the same could be said of the London Assurance, who upon the application of the merchants refused to give them the least assistance.

fistance. Mr. Gay and Mr. Child, who keep private offices of assurance, in effect prove the whole list of three hundred and thirty seven vessels who being by their profession completely qualified to judge, affirmed the list to be correct, and agreeable to the best intelligence: That one of them had paid at his single office twenty two thousand pounds for losses sustained by the Spaniards, and the other near twelve thousand; and that besides the two publick offices of assurance there were near forty private ones in this city. And to this I must add, we produced no one master of ships, or letter from prisoners, that did not prove many more captures besides their own. I will beg leave to observe, that the number of captures is considerably augmented towards the latter part of the list, the greater half having been made between the months of March or April, and November or December, 1741.

It is reasonable to expect, that the list of eleven hundred and forty six sail taken by the French in the late war with that nation during the course of some years, and delivered in by the merchants in 1707, will be brought in to comparison with ours; in which case, I hope the just deductions will be made, that no losses specified in that list may be compared with ours, but what are of a similar nature: Ours are instances of captures by single privateers; and the greater half, which was taken between the Months I just mentioned, consists of prizes made by the privateers of two towns

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in the province of Biscay. From the list of 1707 must be deducted those multitudes of merchantmen swept away at once together with their convoys by whole squadrons of French men of war, or which were taken by fleets of privateers, or by privateers in conjunction with, and under the protection of their men of war. A difference should likewise be made between a war on the British trade by the united power of France and Spain, and the present, which in effect has been carried on by the two towns of St. Sebastian and Bilbao. It should further be considered, that the commerce of Great Britain throughout the face of the ocean was an object of prey to the French; whereas the present enemy is excluded by his situation from molesting in the least degree all our navigation to Flanders, Holland, Germany, Poland, Sweden, Denmark, Norway, Russia, and the rest of the Baltic; not to speak of our fisheries, and that immense nurse of seamen, the coasting trade from London to Newcastle, and up to Scotland, which was liable to perpetual interruptions in the late War: And be it remember'd, that at that time we were engaged with an enemy, who contended for the dominion of the sea against the combin'd forces of England and Holland. After these considerations, these just deductions and allowances let the comparison be made, and it must appear to every impartial judge, that the neglect of trade in the present War far surpasses

passes the same misconduct, which was the subject of complaint in the last.

This may be further enforced by another argument drawn from a fact asserted by many of our evidence, and indisputably true; the alteration of conduct in the city of Bilbao, which never before this war was known to cruize upon the English trade. This singular moderation you have heard imputed to an high point of honour in the traders of that city, or perhaps it might be owing to a tenderness for old correspondents, with whom they had once been connected by the ties of reciprocal interest, and by a long intercourse improved with time and alternate good offices into real affection and friendship : but whatever be the cause, the fact is incontestable, that the people of Bilbao constantly abstain'd from violence against the English, and never consider'd their trade as an object of spoil before this war. To what new cause then, Sir, must be ascribed their present change? Whence does it proceed, that their breaking so old a custom, and suppressing their ancient benevolence to the English should have been reserved for the peculiar disgrace of these times? Sir, it is owing to the present unparallel'd neglect of the English trade, a neglect, which the merchants of Bilbao perceived to be so much greater than in all preceeding wars, as render'd the allurements of gain too powerful for friendship, or the most romantic honour to withstand any longer ; they saw the British seas open to the
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insults of St. Sebastian, and that the wealth of England was every day suffer'd to be convey'd into that inconsiderable place ; they saw the immense advantage to be equally within their reach, and yielded to the irresistible temptation of sharing with their neighbours in the easy spoils of the unprotected English. It is therefore to our own mismanagement, that we may justly impute every loss sustain'd from the privateers of Bilbao, which hath now join'd its forces with those of St. Sebastian, and together with that place, encourag'd by our remissness and strengthen'd by our spoils, makes up the formidable number of privateers, which the masters of ships themselves sometime prisoners in Spain have made appear at your bar.

Another instance of negligence, if it merit so gentle an appellation, I have next to produce, not by way of comparison, for there is scarce an example to match it in any civilized nation ; a wild and unpolish'd people, strangers to government and the laws of humanity might have been guilty of such a conduct, and stood excused from their ignorance and barbarism : as little, Sir, as this character may relate to us, we have been guilty of a neglect so unprecedented, so repugnant to the practice of nations, as nothing can probably account for, but an inflexible resolution to bring upon trade every imaginable difficulty from every quarter : I mean, Sir, that when the enemy had taken such effectual measures, as answer'd the essential purposes of a cartel,

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when they had demonstrated this their good inclination by the most substantial proofs, there prevail'd notwithstanding in England such a spirit of inhumanity, as suffer'd those numbers of our countrymen made prisoners by the chance of war to lie exposed to want and misery, to insolence and cruelty in the dungeons of Spain. Nay by refusing to make good the most reasonable engagements, though approved and confirm'd by the supreme powers in the kingdom, such was this implacable spirit, that it laid even those, who taken in the merchant's service, had obtain'd their freedom, under the cruel necessity of surrendering themselves up to the enemy again, of leaving their families and their country, and of making the hard exchange of freedom for captivity a second time: by which means the good intentions of the enemy, so beneficial to both kingdoms, were entirely defeated, merely that a new distress might be inflicted on trade, though purchased with the lives and liberties of our best subjects. Sir, it appears by our evidence, that the Spaniards had made so wise a disposition to facilitate an exchange of prisoners, as nothing remain'd for us but to follow their example, which must in the end have produc'd a cartel in form, if after all it had been necessary; that every other step, which was taken under the appearance of settling a cartel by the aid and interposition of France, was wandering wide from the mark directly in view, was a vain consumption of
time ;

time, a delay, which could proceed from no other motives but either a total inattention, or an exprefs design of promoting in every shape that known, that original, that favourite plan of making the merchants uneasy with the war.

That there was always a great officer in Biscay, little less than viceroy in the province, nephew to Don Sebastian de la Quadra, and styl'd the Intendant of the Marine; that this officer was constantly vested with a plenary power to discharge the English from captivity without any immediate intercourse with Madrid; and that he exercis'd this authority without controul or reprimand, even while the council of war and court of admiralty were differing about the form of a cartel at Madrid, are facts, which the several masters of ships, sometime prisoners in Spain, have establish'd at your bar.

That far the greater part of the English prisoners were under the jurisdiction, and at the disposal of this officer, and must have been so of necessity during the whole war, is a fact, which will appear undeniable upon the least reflection. Most of the English were taken in merchantmen near, or in the channel and soundings, and carried into Port Passage, St. Sebastian, or Bilbao, and consequently must have come under the command of this intendant of the marine in that province; and by the memorial presented by David Crokot to the Lords Justices, that disregarded memorial

sign'd by several land-officers, among others, who had been brought from St. Augustin, and by the evidence of Crockat himself, who came with other prisoners from the Havannah, it appears, that St. Sebastian is a general rendezvous, whither the English are convey'd from the most distant parts of the world: consequently that far the greatest number of our prisoners must of necessity have been under the jurisdiction of this officer, I hope will be admitted as another establish'd fact.

That he shew'd the utmost willingness to promote an exchange of prisoners, that he made use of his power to dismiss them with readiness and alacrity, I appeal to all our evidence in general, who spoke to the cartel; and first to Mr. Bell, the commissioner of the sick and wounded, whom you heard declare, that at the commencement of the war our people were treated with humanity by the Spaniards, were set at liberty in considerable numbers, and even receiv'd money to bear the charge of their journey through that country; I appeal, Sir, to the several captains so often referred to already, who all agreed in various instances of English captives discharg'd by the intendant, some on their bare obligation to procure the dismissal of an equal number of Spaniards from England, or to surrender themselves again prisoners of war; others, to the number of thirty-seven at one time, upon three more, Forbes, Phillips, and Warner, becoming pledges for the release of even a less number of

of Spaniards, who were made prisoners on board the Stamboline, when that ship was retaken; and that the intendant at length desisted from exerting his authority in favour of the English merely from the delays and breach of faith on our side.

Thus, Sir, it is evident, that the effect, the substance of a cartel perpetually resided in this officer at St. Sebastian, though the form might be matter of controversy at Madrid; and nothing remain'd for us but to follow his example, to dismiss the Spaniards as fast as their intendant discharg'd the English; a very obvious method, and even recommended, at least strongly implied by the address of this House to his Majesty Feb. the 9th, 1740. upon the subject of a cartel. And had we, Sir, releas'd the Spaniards without delay, and with as little hesitation, as they discharg'd the English, not only the prisoners in Biscay, who, I hope, have been demonstrated to be far the greater part of the whole number taken in this war, would have procur'd their liberty; but, as St. Sebastian would naturally have been consider'd in Spain as the channel for an exchange of prisoners, it is reasonable to suppose, that prisoners in other provinces would have been conducted thither, which would have cost the Spaniards no more trouble, than, when irritated with our breach of faith, they caused the English to march from thence to remoter places.

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Thus, Sir, it appears, that the effect of a cartel was always within our reach at St. Sebastian ; an obvious method, which at least might have been put in practice, till a cartel were established in form, and it is more than probable, that the form, if found to be necessary at all, would have naturally follow'd the substance in consequence of so constant an intercourse with the Spaniards in exchanging prisoners directly with the intendant, by which means the trouble might have been spar'd of going round by the way of Paris to procure the cartel from Madrid ; a delay considerably exceeding two years already, and attended in the mean time with the loss of thousands of his Majesty's most useful Subjects.

Having now set forth the measures taken by the enemy for an exchange of prisoners, it will not be improper to shew, what returns were made from England ; the whole amount of which has been trifling and delay, discouraging, disappointing, and provoking the enemy, checking and discountenancing the good offices of private persons, who had actually formed a correspondence to promote the exchange of prisoners with a very considerable person at St. Sebastian, father-in-law to this very intendant, and one of whose letters intimating the warmest zeal to forward so good a work, was read by Mr. John da Costa the first day he appear'd at your bar.

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The first instance of tardiness on the side of England was deferring to send away the Spaniards taken on board the Stamboline, till the end of January, as you were inform'd by Mr. Bell himself; whereas the thirty-seven English were dismissed from St. Sebastian in the month of April preceding, a delay on our part of near ten months.

The next instance is equally flagrant; you heard from Mr. Maurice Barrow, agent for Capt. Maxey, set at liberty with two more from St. Sebastian in April, how many months he was soliciting the admiralty and secretary's-office in vain, to procure the release of an equal number of Spaniards; that on hinting his fears to the secretary's-office of being summon'd to the bar of this house upon the affair, he at last obtain'd, what had cost him eight months fruitless solicitation before, an order for their discharge, which was transmitted to him on the very day, the merchants petition was presented to this house: a demonstration, that there was always a power to discharge them, and that the inclination only was wanting.

I shall trouble you, Sir, but with one instance more, the most extraordinary in this whole proceeding. Austin and Carter, two captains of merchant-men, were set at liberty by the intendant of the marine at St. Sebastian, who requir'd in return, two brothers nam'd Scarza, captain and lieutenant of a Spanish privateer. It must be left with the committee to determine, whether this demand was unreasonable

nable in the intendant, and whether two captains of English merchant-men are not an equivalent for two Spanish fishermen, who had taken courage from our neglects to assume the title of captain and lieutenant, and had been enabled by our plunder to step from a fishing-bark into a privateer. Mr. Da Costa undertook to solicit the release of these two Spaniards, and finding some persons of very great influence to be in the country at that time, was forced to trouble the Lords Justices with his application, who were no sooner apprised of the whole transaction, but with the utmost readiness and dispatch, they commanded the lords of the admiralty to issue out an order for the release of these two Scarzas to the commissioners of sick and wounded. Mr. Da Costa being inform'd of this proceeding immediately sent advice of the order for enlarging the two Scarzas to his correspondent at St. Sebastian, who was no less than father-in-law to the intendant. Not many days after he receives a visit from our commissary of the Spanish prisoners at Portsmouth, that is, Sir, from the person, whose place depends on detaining them in England. He makes a proposal to Da Costa, to adulterate the order from the admiralty, and instead of one of the Scarzas to insert another person; this Mr. Da Costa refused, and in a few hours after was informed, that the order was countermanded. Under the utmost surprise at the news he hastens to the admiralty, the secretary's-office, and the regency, and

could not learn, that any one of those offices knew of this countermanning order. Soon after he receives a second visit from the commissary, who renews his former proposal, and strengthens it with an offer of fifty pounds, this was likewise rejected; and Mr. Da Costa declared at your bar, that had he consented to so irregular a proceeding as altering the admiralty's order, and accepted of this bribe, he verily believ'd, the use intended to be made of both was to have discredited him so far both here and in Spain, as to render ineffectual any further attempts, he might make to facilitate the exchange of prisoners.

To unravel the secrets of this mysterious transaction, and discover by whose authority the order for releasing the two Scarzas was countermanded, Mr. Bell, commissioner of the sick and wounded, was summon'd to your bar; who took the whole upon himself, asserting, that when he received the order for their discharge, he immediately represented against them, as being daring privateers, which he grounded particularly on the defence they made with great guns and small arms, as he had been informed by the commander of the *Rupert*, who took them; but this he absolutely recanted the second time he appeared at your bar, being asked when he last saw the commander of the *Rupert*.

This particular therefore being remov'd, all other ground of his representation rested on a meer speculative, political point, whether

in general it is proper to exchange the officers of privateers for captains of merchant-men. And can it be supposed, that the lords justices, and the lords of the admiralty, could want the assistance and advice of Mr. Bell to judge properly of such a point as this? Had this been the real objection, it must be presumed, that it would have occur'd to them, before they caused the order to be issued out. Another material circumstance must not be omitted; though Mr. Bell asserts, that he represented against these two Spaniards, as soon as he received the order for their release, he acknowledges at the same time, that he immediately sent for Mr. Da Costa, who came with Austin and Carter, told him, they were the two captains released against the two Scarzas, and with great difficulty dissuaded Mr. Bell from sending the order down to Portsmouth by that night's post; and that Day was prov'd on all sides by Mr. Bell, Mr. Magnus the Merchant, Mr. Da Costa, Captain Austin, and Carter to be Friday the eighteenth of September. Sir, I am not going to take up your time with dates, and exhaust your patience once more; there is but one, which I must beg leave to insist on. The three last mentioned persons, Da Costa, Austin and Carter positively affirmed, that on the Thursday following, that is, the twenty fourth of September, they were again at Mr. Bell's office, who told them, the order was then actually gone down; which was confirmed by a letter from a person at Portsmouth, who had

had been wrote to by that very Friday's post to provide a vessel to convey the prisoners from thence, and whose letter dated the 25th was produced at your bar, mentioning the order to be come down for the release of the two Scarzas by name: and notwithstanding this, the second order countermanding their discharge is dated, or antedated, Sir, as of the very eighteenth, the Friday, when Mr. Bell was so pressing to send down the first by that night's post for their immediate discharge. Upon the whole, Sir, it is scarce possible, that the date of the countermanding order can be genuine; and let me humbly desire you, Sir, to recollect, who were the persons particularly mention'd at your bar to have been out of town, when the first order of release was so easily obtain'd, and who was said to be returned from the country, before that order was really countermanded. Upon the whole, Sir, it is submitted to you, whether there is not something extremely dark and mysterious contained in this transaction: Sir, is it possible to imagine, that a person in Mr. Bell's situation from any motives of his own, or on a meer speculative, political point, whether it is fit to exchange officers of privateers for captains of merchant-ships, would have taken upon himself to represent against an order of the admiralty issued out with the solemnity of a command from the supreme powers in the kingdom? Sir, he undoubtedly acted by direction, a direction which could proceed from

that quarter only, where it is notorious, that favourite plan took birth of making the merchants by every means possible weary of the war; and this will appear the more evident, as we are now come to that part of the argument, which will evince what real distress must fall upon trade from the single circumstance of embarrassing the exchange of prisoners.

It has already been observed, that most of our captives in Spain are sailors taken in the merchants service. It is the sailor, who is the life of trade; without him the skill of the merchant, the beauty and cheapness of the manufacture, and the quantity of shipping are useless and vain. In the best-conducted war a scarcity of seamen is unavoidable; therefore the keeping our masters of ships, and such numbers of mariners in the enemy's power during this inevitable scarcity of hands, was throwing a new difficulty on trade, perhaps with all its consequences the greatest possible, and at once accounts for so unusual a procedure: for while his Majesty employs so many hands for the necessities of the government, so far as this scheme of keeping the remainder in the enemies power can be extended, trade in proportion must be put to a stand. Let gentlemen compute, how many seamen will be requisite to navigate three hundred and thirty seven vessels; they will amount to several thousands; the greatest part of which are in all probability dead with hardship, or enlisted in the Spanish service, and perhaps for

ever lost to this kingdom ; a loss more fatal more national, than the value of all those ships and cargoes, which have sounded so high in our complaints. These losses, merely as such, though some merchants may have been undone yet independent of a national consideration are the least part of our complaints, which merits your attention. Nay the British Senate had condescended beneath its dignity in devoting six days of its time to the bare misfortunes or even ruin of a few individuals. A merchant sinking in the great current of trade occasions no more alteration to the whole, than the dropping of a pebble through a deep stream ; while it is passing to the bottom, it disunites for a moment, and disorders a few particles of the whole mass, which instantaneously recovers its former state, and proceeds on its course to all appearance uninterrupted and unchanged as before. The loss of ships and their loadings, however valuable, are easily repair'd : these are the materials of trade, and in a great commercial nation are always in readiness ; the manufacturer soon furnishes new cargoes, and fresh vessels are as quickly provided to receive them. But the loss of the seaman is not so immediately repair'd ; that gallant and useful subject is not render'd the support of trade, the bulwark of his country, and the terror of her enemies, but by length of time and experience. Let gentlemen once more compute how many thousands of prisoners must have been

been taken by the enemy during this war; to this let them add the melancholy consideration, that these are British sailors, and the greatest part of them for want of a cartel, either through neglect or design, for ever lost to this country. How hard is the merchant's lot! it is he, and his service, which forms the sea-man; it is he, who furnishes him to the public; fifty thousand and upwards of these brave, these useful men, has the trade supplied during this war. Sir, I will readily allow, that there are many objects of greater concern to the state, than the bare defence of trade; the equipping of fleets, the undertaking important expeditions, the attempting considerable conquests, and the contending for victory are all of an higher and more national import; yet surely, Sir, they, who so largely contribute to these great purposes; they, who furnish so large a proportion of the public defence and support, are entitled to some small share of the public protection: at least, Sir, they cannot deserve the mortification of seeing their sailors lie neglected in captivity, or taking arms against them, and assisting the enemy: nor can the British seamen deserve to perish thus miserably in jail, lost to their afflicted and starving families, or be reduced by despair to the hard necessity of serving the Spaniard against their old masters, and against their country. And, that there is scarce a privateer fitted out from Spain, but has some English prisoners on board, more or less, and that this has been the effect of

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inhuman treatment, and despair of their freedom, has been proved by the several masters of ships so often referred to already.

But the barbarous usage of the English may by some be entirely imputed to the character and temper of the Spaniards; that they are a cruel enemy, none will dispute; but, Sir, I must beg your permission to mention two particulars, which will set forth what keenness has been shewn on our side, to make the most of this savage disposition, and to increase and sharpen their native cruelty against those unhappy seamen, who were taken in the service of trade. When the intendant of the marine at St. Sebastian was exasperated with our delays and breach of faith, and refus'd to dismiss any more of the English, the armadores, or persons interested in the privateers, finding the number of prisoners increasing daily upon their hands, whom by their laws they were obliged to maintain at their own charge, and finding the intendant would set no more at liberty, discourag'd and provok'd at our conduct, which plainly shew'd an aversion to exchange prisoners with them, they were at last under a necessity of petitioning their king to take the English into his own custody; which occasion'd their removal higher up the country to Pampelona and Saragossa, where, their hard usage increasing, such numbers were compelled to enter into the service of Spain. This misfortune may justly and solely be attributed to our own trifling, our wilful delays and breach of faith. Another

Another cause of their insolent behaviour to our captives is of an higher nature ; but what necessarily appears from our evidence, and manifestly proceeds from our own management. Every nation, which in time of war renders itself formidable by the vigour of its measures, will secure a good treatment for its captive subjects, in proportion as it exerts its strength, and puts itself into a condition of returning and amply revenging any ill usage or cruelty, the enemy may practise. You have heard from several masters of ships, who had past a considerable time at St. Sebastian, how easy they esteem the attempt of laying that town in ashes, or at least of making its harbour useless, only by sinking two old fly-boats in the entrance, which is narrow and no more than four fathom and a half deep at low water : You heard from the same evidence, what continual alarms the Spaniards were under from the appearance of Captain Ambrose off that coast with a single fifty-gun ship ; that they haled their privateers on shore, unrigged them, forbore putting to sea for six weeks, and that the first, which went out after his departure, could procure but little more than half her compliment of men ; that one night the accidental firing of guns from one of their own ships in distress put the governour, the garison, and the whole town into a general consternation, apprehending destruction to be at hand with the navy of England. They feared, Sir, what we could never hope ; nor will

will I presume to assert, how far it was ever practicable to have taken St. Sebastian; but thus much may be safely affirm'd, it was always in our power to have increased the dread, these people seem so naturally to have conceiv'd of us; they might have seen for once the English flag flying before their harbour; the bare attempt against them, the burning a few of their houses might have made so much advantage of their fears, as to have secur'd a more humane treatment of our prisoners. On the contrary, when they were convinc'd of our moderation and forbearance, which for two years together had avoided to bring upon them those calamities, they dreaded so much, when they perceiv'd their own fears to be as vain as the English hopes, that any attempt would be made upon St. Sebastian, their unchastis'd insolence increas'd, as their apprehensions diminish'd; and they found themselves at leisure, and in quiet to wanton uncontroll'd in the misery of their British captives.

Sir, upon that head of our petition relating to the proper stations of cruisers, it will be sufficient to remind the Committee of the many masters of ships, who all concurred in declaring, that in their several voyages they had never seen one English man of war upon the cruise, though some had pass'd twice, some six times, some eight, some ten times during this war in and out of the channel, some detain'd for many days in the chops of it,

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while the wind was fair to bring the men of war out, and the weather moderate; as David Crokat, for instance, who, coming from the Havannah in a Spanish vessel, lay beating sixteen days together, and Captain Allen twenty-eight. In fine, they all declar'd, they had seen no English man of war upon the cruise. I shall therefore proceed to trouble the Committee with some observations on the lists of cruisers laid before the house by the proper officers; the first commencing at the declaration of war, and continued to the end of December 1740: though I shall not take up much of your time upon this head but rather offer my observations, as matter of form, since the papers were admitted in evidence; especially as there are so many gentlemen within the bar more conversant with naval affairs, and better qualified than myself, who will be able to convince you, that the strongest evidence of neglect is contain'd in the several papers deliver'd in from the admiralty. I will first beg leave to observe, that it was eight months from the declaration of war, as appears by this list, before any ship was station'd off Cape Clare in Ireland, which you heard from the several sea-faring persons at your bar to be consider'd as a very important station. Sir, the Panther is order'd on the 14th of June 1740 to cruise thirty or forty leagues to the westward of Scilly, and sometimes off Cape Clare; that is, Sir, as often as the commander could find leisure out of the
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twenty-seven days, he continued on that cruise. Sir, it was nine months from the declaration of war before any ship was station'd off St. Sebastian. The next particular, which merits your notice in this list of cruisers, is the extraordinary contrivance to swell the number by inserting with great form vessels, which could be employ'd on no other service but impressing; such as were station'd off Leith in Scotland, Whitehaven in Cumberland, Liverpool in Lancashire, and Yarmouth in Norfolk, places where no privateer is ever seen. Not, Sir, that we complain of impressing in general, as shall be more distinctly explained, when I come to that head; yet, Sir, to rank these pressing vessels in the same list with those, who are suppos'd to be employ'd against the enemy's privateers for the defence of trade, is surely a very unjustifiable artifice to swell the number of cruisers. There is a second list, Sir, or rather a continuation of this to December 1741. Permit me, Sir, to bespeak your attention to the paper, I have in my hand, and be pleas'd to carry the nature of it in your thoughts; it is a list of ships employed to cruise against privateers. I am now come to that part, where a powerful fleet, commanded by two admirals, suppos'd to be sent out on the important concerns of three kingdoms, whose expectations were fix'd on some sudden and great event, is yet without shame set down in this list as cruisers against the privateers of a Spanish fishing-town. Sir, if

this fleet, consisting of no less than the victory, the royal sovereign, and other the principal ships in the British navy, were really destin'd to annoy privateers, and for that single purpose, as appears by this paper, was trusted to sea in the month of November, a season when ships of that size were scarce ever seen upon the ocean since the being of the royal navy; and if this is to be consider'd as an instance of concern for trade, there is not a merchant, who will dare to make the least shadow of an acknowledgement for such a procedure, unless he means to forfeit the character of an Englishman. Letters have been produc'd in our evidence, intimating the contempt, which our insolent neighbours, the French, have thrown on the conduct of Great Britain. Sir, in what manner would this expedition have been treated, in what light consider'd by all the nations of Europe, as well as by England, Scotland, and Ireland, could it have been foreseen at the time, when our first and second-rate men of war were fitted out with so pompous a preparation, and put to sea with such vast expectations, that they would have been given in at last to the House of Commons under the title and pretence of cruisers? I say, Sir, pretence of cruisers, for while they were at sea the enemy made the greatest havock with our trade; the losses sustain'd in the months of September, October and November were the first foundation of our petition to this House; and had the number of hands, requisite to man
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one first-rate ship of war been distributed among smaller vessels, and those properly station'd, the merchants would have obtain'd all the security, they could desire, and would never have troubled this house with the least complaint.

Sir, it further appears by this list, that the admiralty reckon every ship to be out on a cruise from the time, she is first sent upon the station, till she is ordered off to some other service, without allowing for their frequently quitting their station in the interval, and retiring into port. What trust is to be reposed in this list may be discovered by the conduct of the Kingston, which sail'd from Plymouth the 26th of February, got safe to Corke the 14th of March, set sail from thence the 30th, and arrived safe at Lisbon the 14th of April; and this ship notwithstanding is set down in due form as a cruiser for six weeks in the Soundings. The second time the Kingston was out, it appears by the commander's own letter to Mr. Corbet of the 24th of September last, that he received cruising orders from Captain Ambrose on the 4th of that month, left his station the 7th, and soon after arrived safe to Lisbon once more. But as we have been deprived of the evidence, we expected, from the Captain's journals, which notwithstanding the order of this house have not been laid upon the table, it is impossible to discover, what other fallacies may lie conceal'd in this list; though from this tardiness, I hope, I may fairly

fairly take the advantage of observing, that the keeping back the Captain's journals, and other material papers, so long after they were called for, seems to be a tacit admission, that they contain some evidence, which is unwilling to see the day, and that our accusations are just, and well founded. Upon the whole it is evident from the face of this list, that there have scarce been more than two ships at a time cruising in the Soundings, and they often but for a few days, frequently no more than one ship, and sometimes none at all: and that the admiralty may not have an excuse by pleading want of knowledge or intelligence, permit me, Sir, to remind you of their own letter in answer to the Duke of Newcastle, dated the 21st of May; where it appears, they were perfectly acquainted with the fair way, the known tract of the homeward-bound trade, which they acknowledge to be the latitude, where the Spanish privateers generally cruise; and at the same time frankly confess to his Grace, that there had been but one ship stationed there since March, which returning the beginning of that instant May, they had caused another to sail from Plymouth on the ninth to take the place of the former. Whence it is plain, that there must have been an interval of some days between the departure of the first from her station, and the arrival of the last to succeed her, that this known tract was left without any cruiser at all, and consequently the seven privateers, which the
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Duke of Newcastle took care to inform the board, were watching to intercept the homeward bound trade, were for some time left at large to make what havoc they pleased. The letter concludes with acknowledging the various applications almost daily made from every branch of trade for protection, but that ships were really wanting for the many different services requir'd. By some letters, we have produced in evidence, foreigners are said to enquire with astonishment, what has been done with the multitude of ships, we have had in commission; this letter from the admiralty would persuade, that there are more services than ships: but what, and how effectual to the public these services have proved, that so few ships have been spared for the protection of trade, is a consideration for this House, and not for me. And I think myself bound in justice further to declare on this head, that though we have involved the commanders of men of war in the same accusation with their superiors, it is more than probable, that those gentlemen may have much to offer in their own justification for quitting their stations, and frequently going into port. Who can tell, what condition the ships were in, when they were first ordered out, whether their very proportions and dimensions might not be unfit to abide hard weather; whether their compliments of men might not have been short or sickly, and their provisions of every kind either defective, or ab-

absolutely bad. We, Sir, could only follow the lights, we had ; but it rests with this House to condescend and take the clue from our hands, to make the strictest enquiry, to distinguish the innocent from the guilty, trace every grievance to its true author, and see, that none suffer, either in their character, or otherwise, but those, who are truly guilty.

Sir, I now proceed to the head of convoys ; upon which I will first remind you of that most distinct and material evidence deliver'd by Mr. Wilkinson, who prov'd, that the Portugal fleet had been detain'd for near twelve months, partly for want of protections, partly by the delay of convoys, and lastly by being tack'd to a large fleet of men of war, a circumstance, which might occasion the loss of two months upon the whole. Some will be ready to ascribe this last delay to contrary winds : Sir, it is well known, the winds were not perpetually contrary at that time, and there were many opportunities for the Portugal fleet and its convoy to have got clear of the channel, had they not been made part of an expedition : and it had been more politic, more beneficial for every interest in the kingdom, to have stopt even an important expedition by lending men out of his Majesty's ships for the use of the Portugal fleet, rather than by detaining it so long to have given our rivals, the French, such immense advantages against us ; who, finding the Portuguese to be
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in great want of English bayes took the opportunity of this fatal delay to slip into the market with a manufacture of their own, which the Portuguese were oblig'd to make use of instead of our's. Ignorance, a wretched excuse at all times, cannot be pleaded here; the merchants of London in their applications for protections and convoys set forth their apprehensions of an event so pernicious to this country, in case the woollen manufactures of France should take place in Portugal: And that this was the fatal consequence of our own neglect, is manifest by the *representation of the factory at Lisbon to Consul Compton, and by his letter to the Duke of Newcastle; which further sets forth, that the English were in danger of losing the benefit of passing through their hands the several balances of trade due from the Portuguese to foreign nations; that during the interval, when no convoy was suffer'd to depart from Lisbon for six months together, in order, as was reported, to chastize the insolence of the merchants, the Dutch immediately seized the favourable occasion of sending two men of war to become the carriers of gold from Lisbon. That our captains of men of war absented themselves, or avoided so good a perquisite through their own inclination, and without positive directions, is a most improbable supposition; especially as one commander has shewn such particular fondness for a Lisbon voyage, as to

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* *Vide Appendix.*

have twice quitted his station in one year, and put the public to the expence of four pounds a man per month, while his ship lay unemploy'd a considerable time at Lisbon with no other view than to procure a freight of gold from thence to England.

Lastly we have shewn, that not only a packet from Lisbon with fifteen thousand pounds on board has been suffer'd to be taken, of which there is but one instance in the late French war, and that this capture was made after notice previously given by the merchants, that stronger vessels ought to be employ'd in that service; but to complete our misfortunes, the French have now set up a packet of their own between Havre-de-Grace and Lisbon, and are consequently in the way of becoming considerable sharers with the English in transporting gold from Portugal. But what avail'd representations and warnings of these impending and national calamities to those, who have shewn by their actions, that they intended no less should be the effect of their management? The merchants were now most completely distress'd; the favourite plan was now brought to perfection; and the French, those faithful and disinterested friends to Great Britain, were at the same time oblig'd in a peculiar manner by being admitted co-partners with us in our Portugal trade; a reward, they well deserv'd for their early and diligent care in procuring a cartel in our behalf from the obstinate Spaniard. But it rests with this House not only
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to redress the starving manufacturer, and the injured merchant, but to enquire, what benefit the landed interest will receive from this conduct, and what has been or can be obtain'd from France as an equivalent for our woollen manufacture.

The other parts of Mr. Wilkinson's evidence relate to the behaviour of a commander, who was accus'd by the Portugal merchants of taking twenty-seven ships under his convoy at Lisbon, and not bringing one with him to England; the same gentleman likewise mention'd a singular circumstance of the master of a ship, who having been taken under convoy by another commander and deserted at sea in twenty-four hours, and being brought up to the admiralty by several merchants in order to complain and make his affidavit, was there refus'd to be heard or admitted.

The delay of the East-India convoy must have made a due impression on the Committee; it will be sufficient, if I just remind you, that the convoy did not sail till four months after proper application made by the company, and notice given, what time the men of war ought to reach St. Helena; by which neglect the India fleet sail'd from thence without convoy, and above a million of English property was left expos'd to the enemy.

Mr. Crockat, the Carolina merchant, inform'd you, that the commander of the Tartar man of war undertook to see four ships safe from that coast; but within the usual limits of a

convoy from thence the enemy's privateers found means to make prize of three; by which misfortune two thousand two hundred barrels of rice were convey'd to the starving inhabitants of St. Augustin.

Before I conclude this head, I must beg your permission to trouble the Committee with a short narration. When the merchants first met to deliberate on their petition to this House, and digest the various heads of complaint, the name of Captain Ambrose was dropt in the assembly, and a general applause ensued; every little reflection and censure subsided; and for them to shew, that no future good conduct should atone for one past error, was universally consider'd as a procedure too stern for our times, and a discouragement to that little virtue, which, imbitter'd as we were with ill usage, we then thought existed in this country. And no small sacrifice was made to this gentleman, for out of his case the merchants could have fram'd a very strong article of complaint against his superiours; but in tenderness to him this sacrifice was made. It is true, Sir, he has been guilty of protecting the devoted trade of his country. The merchants hope, Sir, that the same motives, which prevailed on them to forget his former mistake, was not the cause—— But I find, I am going too far, and will therefore beg leave to conclude this head, with humbly assuring the Committee, that there is not a trader in London, who did not feel inexpressible concern, as soon as it was known, that this
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long-forgotten error had again been reviv'd, and notwithstanding the intention and care of the merchants to conceal it, had been cruelly expos'd to public observation once more.

Sir, I now proceed to the neglects of trade on the coast of North-America, which have surely been amply made out by Captain Clack, Mr. Crokat the merchant, and that multitude of letters, we produced, from the most considerable persons in those colonies. One most extraordinary circumstance seems to merit your particular attention. When public representations had been transmitt'd to the admiralty, that the Phoenix man of war was quite out of repair and wanted a new bottom, and considering how ill provided those countries are for the purpose, would take up six months to be completely refitted, care was taken to order the Tartar, the other remaining ship, from off that station; by which so considerable a colony as South-Carolina, where even in times of peace two men of war had been constantly station'd, sometimes three, or more, was now left entirely naked for several months, and expos'd to the enemy's privateers, which were then known by information from the governour of that colony to infest the coast in great numbers. Sir, there are but two probable reasons, which can be assign'd for this management. It must either be consider'd as an instance of extending to North-America

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the favourite plan, I have so often repeated; or else must have proceeded from another motive, which, when I come to mention, will fill this assembly with indignation and horror. This naturally leads to the last head in our petition, and with the explanation of this other motive for calling the Tartar from her station at that particular juncture all our evidence will be closed.

The last head relates to arbitrary impressing. Sir, it is humbly hoped, the two instances, we produced, will acquit the merchants of intending the least complaint against impressing in general; this they consider among the number of inconveniences, which every member of the community is obliged to undergo for the advantage of the whole; and under which the merchants, though they have been treated as aliens, are ready and willing to acquiesce: But, Sir, where the law connives at these necessary grievances, and forbears to interfere, there are yet certain methods and regulations pointed out by equity and common sense to render these grievances, as little burdensome to the subject as possible. It is, Sir, of the most unprecedented deviations from all rules of justice and humanity that we complain. To recapitulate the particulars of an evidence, you have heard this very day, would be tedious; I shall therefore only dwell upon the circumstances, which attended the impressing of Mr. Blydestein's men in South-Carolina, as most distinctly related

related by himself at your bar, and confirmed by Captain Best, who was at that time upon the spot. Part of the crew belonging to the Tartar entered Mr. Blydestein's ship, forced open the cabin, whither the sailors had retreated, fired several vollies of small-shot among them, notwithstanding they offered to surrender, and in the end one of them was killed by Samuel Bathurst, Master of the Tartar, who with his companions was afterwards brought in guilty of wilful murder by the Coroner's inquest of that province. The Coroner's boat coming to the man of war, and demanding the guilty persons by the authority of that officer, supported with an order from the Governour, and the Chief-justice's warrant, was repelled by force, and threatened to be sunk, in case it did not stand off: It has not appeared by our evidence, that a single shot was fired by the merchant's men from the cabin, but whether there was, or was not, whether Samuel Bathurst was guilty of the murder or not, is of little consequence in this whole transaction; the stress does not lie there, nor is it, Sir, for the death of one man, nor to attack a single murderer, that the mercantile interest of Great-Britain has been thus drawn up in array at your bar. Whatever may be done by others, I will suppose that Samuel Bathurst was innocent of the murder; the stress of the whole lies here; being found guilty by the Coroner's inquest he was obliged to take his trial,

trial, whether innocent or not, and the protecting him by force against the Governour's order, and the Chief-justice's warrant, was trampling the civil magistrate under foot. After this, when the commander of the Tartar apprehended, the governour was preparing with anger and indignation to support his authority by force, he fled from his jurisdiction; and eight months after, when every witness was absent, the murderers were acquitted by a mock-trial before three captains of men of war. It was asked, whether three captains compose a regular court-martial; Sir, it is not material, whether it was regular, or not; it is sufficient, that first by protecting the guilty persons against the civil magistrate, and afterwards presuming to try and acquit them by three captains, the military power set the law at open defiance, and treated the King's authority with contempt. And now, Sir, I submit to you, whether, excepting the general design of distressing trade in every shape, and in the most distant parts of the world, any other motive as yet appears for ordering the Tartar off her station at that time, the consequence of which was leaving a considerable colony entirely defenceless, but an intention to screen this murder, when the murderers were demanded by the civil magistrate of South-Carolina, were then, and are still liable to take their trial in a court of justice.

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This is the last head in our petition, and here our evidence concludes.

Sir, after the many grievances already enumerated to tell the Committee, that the heaviest is yet behind, will perhaps awaken their astonishment, and, I humbly hope, bespeak their patience a little longer. The subject of complaint, I have now to mention, is no less flagrant in its nature, than if those, who administer justice in a neighbouring hall, should receive every plaintiff with anger, and reject his suit with disdain. However considerable, however meritorious to the public the mercantile interest of Great Britain may appear at this bar, whatever degree of indulgence and regard the merchants may have found from this great assembly, in other places they have severely experienc'd, that they were deem'd unworthy of the public concern: Their complaints have been received with indifference, and their misfortunes imbitter'd with insult and scorn. Have applications been made setting forth the misconduct of a commander, who deserted the trade under his convoy, and left it exposed as a prey to the enemy? Did any censure pass? Was any redress obtain'd? What answer was return'd but this? *What would you have with this captain, would you have him turn'd out, and the master of a merchant-man put into his room? You would have all the captains of his Majesty's ships turn'd*

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out, and masters of merchant-men put into their place? Have public representations been made from our Northern colonies, that their coast was neglected and defenceless? Was the least remedy applied to the evil? Or does it appear, that the commanders the most notoriously guilty of neglect have met with the least rebuke, or are at all consider'd in a less favourable light, than that active, that gallant and distinguish'd officer Captain Ambrose? Has murder been committed in the arbitrary impressing of men, the law violated, and the civil magistrate set at defiance? Was a regular complaint prefer'd against this proceeding? What reparation has there been made? Or in what manner has justice been satisfied? The law underwent a second violation from the military power, the murderers were acquitted by a mock trial in a court marshal, who might have been condemn'd in a court of justice, and are at this hour still liable to be tried for wilful murder. Have the most reasonable applications been made for ships to protect the trade of these Kingdoms? Has any care been taken for that purpose? One of these applications was upon a day, when indeed no board was sitting: I will not say, Sir, how far the sense of the board was express'd by some words dropt from one of the commissioners; nor do I believe, that gentleman was aware of the bitter meaning convey'd in those words, *It is your own war, and you must take it for your pains;*

pains ; no, Sir, I cannot be persuaded, that he ever affix'd to that phrase the malignant and rancorous idea, with which it was originally issued, and spread through every inferiour channel, from that quarter, where it was first determin'd, that trade should be deprived of protection, and every hardship heap'd upon the merchant, till he should be brought to acknowledge his error, and repent of the war. But, Sir, it hath produc'd a contrary effect, and I am commission'd by the merchants humbly to assure you, that they and their sailors are ready to sacrifice their lives and fortunes in support of the most vigorous measures, which the wisdom of this house, in whom they now repose an implicit confidence, shall think fit to engage in: Nay, that very expression of *the merchants war*, had it proceeded from a friendly voice, is a phrase, they would have adopted with joy, and been proud to be esteem'd the authors of a just and necessary war, undertaken to restore the freedom of navigation, and vindicate the declining honour of their country. Nor even that sense of these words, which carried derision with it, is a foundation for their complaint, as it necessarily affects many and more considerable persons than themselves : for I leave this assembly to judge, how far a phrase of contempt upon a war actually in agitation comprehends those, who from the information of the merchants deem'd the war just and necessary,

cessary, decreed the war, furnish'd supplies for it, and are now carrying it on with the unanimous concurrence of every interest in the kingdom, which means well to the public. No, Sir, there is another meaning in these words, which particularly and solely relates to the merchants, a cruel meaning, Sir: for had they been told in the most explicit terms, You have been the occasion of this war, and therefore you and your families are devoted to ruin; a free and secure navigation shall be open'd to your enemy in the British channel and soundings; your own seas, your own shores shall be render'd to you the most insecure ports of all your navigation; the unhappy sailors, who chance to be in your service, shall just see their country after tedious and painful voyages, and then be hurried into captivity by the fishermen of St. Sebastian; no cartel shall be establish'd to redeem them from want and misery, they belong to you, and are therefore unworthy of the public concern; that inconsiderable place, St. Sebastian, shall be enabled with your spoils, to convert its fishing-barks into fleets of privateers; to complete your distress, the city of Bilbao shall be encouraged to take arms against you for the first time; the strength of the enemy to annoy you shall increase with your sufferings, and both with the duration of the war: Had all this been said, Sir, the collected force of all these expressions together does not imply more

more than this single phrase, *It is your own war, and you must take it for your pains*, whose cruel meaning has been so fully and distinctly explain'd by all those wilful neglects, and that variety of ill-treatment, which our evidence have made appear at your bar. To whom then could we appeal for relief, but to you, the redressors of grievances, and guardians of the public? Could we have recourse to those, who had treated our misfortunes with indifference and scorn, and who had openly declar'd themselves to be a board of execution only, and not of order? Upon your protection, the British trade throws itself this day; the sailor, the merchant, the manufacturer are all soliciting your justice, imploring your powerful interposition to shield them from the malice of their enemies at home, and from the artifice of their foreign rivals, who are watching to take advantage of our unredress'd misfortunes: thousands of his Majesty's most useful subjects with equal anxiety and submission are humbly and earnestly intreating, that you will not suffer them to sink utterly in ruin, nor gratify the pernicious views of those, who envy them abroad, and of those, who hate them at home; that you will take their cause into your consideration, that you will provide for their future security by a law, that you will humble and punish their oppressors, that you will restore discipline, infuse new spirit and vigour into the administration
of

of the navy, and by your wisdom and justice render the very thought of injuring the British trade again a terror to all succeeding times. But the ways and means of accomplishing these great ends are with all humility submitted to the wisdom of this house.



APPENDIX.



A P P E N D I X.

*COPY of a REPRESENTATION
from the Merchants at Lisbon to
Consul COMPTON.*

West-Lisbon the 6th Dec. 1740.

S I R,

THE British navigation to this port labours at present under the utmost hazards and difficulty from the number of Spanish privateers now infesting the coast of Portugal, often hovering about the bar of this river, but chiefly between the rock and the burlings; circumstances of that dangerous and ruinous consequence, unless some remedy is applied, that we should be altogether wanting to ourselves as merchants, as well as regardless of the welfare of our country, so deeply concern'd in trade, did we not recur to you on this occasion, to desire your assistance towards procuring it.

We have had the mortification to observe within six weeks past no less than five prizes
made,

made, all within fifteen, some two leagues of the river by two pitiful privateers; and now we are credibly inform'd two more are on the coast, who will doubtless be follow'd by many others, when they hear of the success of their fellows.

This may seem strange, while we have two English men of war station'd to cruize before this bar, the conduct of whose commanders we will not take upon us to censure, being ignorant of their orders, but only observe, that while one was lately absent at Gibraltar six weeks to clean, the other being left alone, and not cruising to the northward of the rock, was probably the occasion of the above captures; and now being gone on the same errand, it plainly shews, there is not a sufficient guard for the trade, especially whilst their orders are to clean at Gibraltar.

Under these apprehensions we earnestly desire you will please to recommend this our representation to his Majesty's Envoy, the right honourable Lord Tyrawley, whose laudable zeal for the public good will we doubt not prevail on him to use his solicitations with yours, where it may be proper, that some additional force of shipping may be appointed to clear the coast, which the smaller they are, will be the more serviceable, but with more extended orders; without this, the hazard and loss will be excessive, and it will inevitably create great clamours at home. But we imagine, as the importance of the British trade to Lisbon, as well

well as the extensiveness of it, is so well known, that it is hardly possible, we shall want a proportionate protection, when the danger is known to be so imminent. This will increase daily from henceforward, as well from the late success of the privateers, as because now is the time, that our American ships come in greater number, and being altogether defenceless, and likewise unacquainted with the danger, supposing the coast sufficiently guarded, will become an easy prey to our enemies; and if we might be allow'd to enlarge our views beyond our immediate protection with respect to the trade in general, in order to prevent the introduction of a great many French, and other commodities, which already begin to supplant the British manufactures for want of a regular supply, we should represent to you in the strongest terms the absolute necessity of likewise applying for a constant convoy order'd in such manner, that whilst one is going, another might be coming: nothing being more certain, than that custom and use are the greatest reasons, why many commodities of one country are prefer'd to those of another, which might otherwise serve as well the same purposes; and if once these become fashionable, the others will soon be out of date, and forgotten in a short time. This being a receiv'd maxim, and a general case which always has, and always will

H happen

happen on the like occasions, we think it deserves the greater attention, and ought to be a subject of the strongest representations, as touching ourselves, our country, and our posterity.

We are, &c.

<i>Christ. Hake and Comp.</i>	<i>Beesfield, Thompson, and</i>
<i>Benj. Bousfield,</i>	<i>Watkins,</i>
<i>John Sherman,</i>	<i>Bourcher, Perochou, and</i>
<i>Naisb and Ibbotson,</i>	<i>Comp.</i>
<i>Burdett, Lockwood, and</i>	<i>Legay, Grossett, and</i>
<i>Hanway,</i>	<i>Ord,</i>
<i>Fran. Wood and Comp.</i>	<i>Burdett, Duckett, and</i>
<i>John and James Watts,</i>	<i>Hardy,</i>
<i>John Atlee,</i>	<i>Darell, Casamajor, and</i>
<i>John and Willian Skeys,</i>	<i>Comp.</i>
<i>Edmondfield, Revell,</i>	<i>Buller, and Stert,</i>
<i>and Furrs,</i>	<i>Leyborne, Roffey, and</i>
<i>Berthon and Garnault,</i>	<i>Rockliff,</i>
<i>William Earle,</i>	<i>Steers and Barons,</i>
<i>James Rigaud,</i>	<i>Isaac Correjolles,</i>
<i>Thomas Skinner,</i>	<i>Isaac Hoyard,</i>
<i>James Patton,</i>	<i>Arbouin and Majendie,</i>
<i>Martins and Stent,</i>	<i>Simpson and Feather-</i>
<i>Browne and Martyn,</i>	<i>stone,</i>
<i>Chase and Wilson,</i>	<i>John Parminter,</i>
<i>Edward and John</i>	<i>Wilkinson and Southern,</i>
<i>Mayne and Comp.</i>	<i>John Paradine.</i>
<i>Richard and David</i>	
<i>King,</i>	

COPY



*COPY of a Letter from Consul
COMPTON to the Duke of NEW-
CASTLE.*

Lisbon 7th Jan. 1741.

MY LORD,

THE success the Spanish privateers have had upon the coast of Portugal this winter, makes the merchants apprehend the trade to this place in so much danger, that few or no ships can come without running great risque of falling into the hands of the enemy — Under these apprehensions, a great number of them sign'd a letter to me, and therein earnestly desir'd me to recommend their representation to my Lord Tyrawley, which I have accordingly done, and his Lordship desir'd me to assure the factory, that he would transmit it to your Grace by the first opportunity: therefore I presume you will receive it by this conveyance.

Your Grace will please to observe by their representation, That, altho' two men of war are order'd to cruize before this bar, that one

or other is often absent from the station upon account of cleaning at Gibraltar ; and indeed, when they are both here, they seldom, or never, cruized to the Northward of the rock : consequently, that was the part for the privateers to cruize in, and most of the prizes have been made between the burlings and the rock. — This they think (and I believe with reason) might easily be prevented by ordering a small man of war to cruize that way.

If it were possible to have more frequent convoys appointed, it certainly will be of great benefit to the trade in general, for the French begin to introduce several sorts of goods ; and, if these once become fashionable, it is to be fear'd they will not easily return to the British manufactures ; and it is also certain, that other advantages would arise, if convoys would be appointed, as they desire, that one might be going out, as another is coming in — This would keep their houses constantly supply'd with woollen goods, and the men of war homeward bound would carry the treasure, not only what belongs to Great Britain, but to other nations, which has hitherto been a good commission to England — But, for want of such conveyances of late, the Dutch ships have been made use of ; and they are so sensible of the advantage of these freights, that the States have actually order'd two men of war this way for that purpose, one is design'd to proceed up the Streights, and the other is to return to Holland,

land, soon after they arrive — By this means they will get into this business, which was carry'd on entirely by our shipping.

I think it my duty to inform your Grace of this, and then am persuaded, your better judgement will find a remedy for the danger, the British trade at present labours under.

I am, &c.

CHARLES COMPTON.



F I N I S.

land, both after the war, this means
they will get into the hands of which was
drawn an arrow by our shipping.

I think it necessary to inform you that
of this and that are perhaps, your better
judgment will find a remedy for the danger.
The British made no labour under.



CHARLES COMPTON

PRINTED

